

## II. AMENDMENTS TO THE CLAIMS:

1-4. Cancelled.

5. (New) A bird anti-perching device for installation onto an elongated construction frame member having a generally rectangular cross-section established by (i) oppositely facing elongated vertical sides, (ii) an elongated horizontal top surface extending laterally between the sides to establish opposing laterally spaced upper corners, and (iii) an elongated horizontal bottom surface extending laterally between the sides, the anti-perching device comprising:

21 a) a vertical positioning structure provided with first and second elongated downwardly facing stop surface portions aligned along a horizontal plane and laterally spaced at a first lateral distance to rest on the upper corners of the frame member,

b) first and second legs extending downwardly from said first and second stop surface portions, respectively, said legs having lower free ends laterally spaced at approximately said first lateral distance to enable slipping over the top of the frame member,

c) an elongated inclined sidewall structure connected to the vertical positioning structure and extending upwardly therefrom above and between vertical planes extending through said stop surface portions to obscure the space therebetween from above, and thereby obscure the top surface of the frame member from above, the sidewall structure being sufficiently angled to discourage perching thereon and having an upper portion located above said stop surfaces, and

d) an elongated continuous peak structure established at the upper portion of the sidewall structure and extending along the length thereof, the peak structure being configured to discourage perching thereon.

6. (New) The anti-perching device as defined in claim 5 in which said upper portion of said sidewall structure and said peak structure are located between said vertical planes extending through said stop surface portions.

7. (New) The anti-perching device as defined in claim 5 further comprising an upright wall extending upwardly from said upper portion of said sidewall structure and having an upper surface establishing said peak structure.

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8. (New) The anti-perching device as defined in claim 6 in which said upright wall is located between said vertical planes extending through said stop surface portions.

9. (New) The anti-perching device as defined in claim 5 in which said sidewall structure includes first and second wall portions inclined upwardly and inwardly towards one another from said first and second stop surface portions, respectively, and terminating proximate one another to establish said upper portion of said sidewall structure.

10. (New) The anti-perching device as defined in claim 9 in which said wall portions are inclined at approximately the same angle measure to terminate proximately midway between said vertical planes passing through said stop surface portions.

11. (New) The anti-perching device as defined in claim 5 in which the free ends of the legs are spaced at a distance less than said first lateral distance, and are fabricated from a resilient material to resiliently expand and establish a snug fit onto the sides of the frame member.

12. (New) The anti-perching device as defined in claim 5 in which one of said legs is shorter than the other of said legs by a length equal to approximately one-third ( $1/3$ ) to two-thirds ( $2/3$ ) of said first lateral distance.

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13. (New) The anti-perching device as defined in claim 5 in which said peak structure is provided with longitudinally spaced peaks and valleys established by inclined surfaces therebetween.

14. (New) The anti-perching device as defined in claim 5 in which said sidewall structure and said peak structure are further characterized by the absence of an upwardly facing, substantially horizontal surface structure of greater than approximately 0.06 inch thick.

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